

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK  
BROOKLYN DIVISION

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IN RE:

CASE NO.: 1-19-43235-cec

CHERRY FRANCIS

Judge: Hon. Carla E. Craig

Debtor.

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GUSTAVIA HOME, LLC,

Ad Proc. No.: 1-19-01097-cec

Plaintiff,

-against-

BANK OF AMERICA, N.A.; DEUTSCHE BANK  
NATIONAL TRUST COMPANY AS TRUSTEE  
UNDER THE POOLING AND SERVICING  
AGREEMENT RELATED TO IMPAC SECURED  
ASSETS CORP., MORTGAGE PASS-THROUGH  
CERTIFICATES SERIES 2006-3,

Defendant.

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**NOTICE OF REJECTION OF MOTION AS UNTIMELY**

Gustavia Home, LLC (“Gustavia”), as Plaintiff herein, hereby rejects Defendant Bank of America, N.A.’s (“BANA”) Motion to Dismiss Plaintiff’s Adversary Complaint (the “Motion to Dismiss”) as untimely pursuant to Fed. R. Civ. Pro. 12(a)(1)(i). The Motion to Dismiss was filed as ECF Document Numbers 4 and 5. Copies of the rejected Motion to Dismiss are annexed hereto as **Exhibit A**. BANA was personally served with the Summons and Notice of Pretrial Conference and the Complaint in the instant adversary proceeding on July 25, 2019. *See*, ECF Doc. No.: 6. Thus, BANA’s time to answer or move expired twenty one (21) days later on August 15, 2019. The Motion to Dismiss was not filed until August 21, 2019.

Dated: New York, New York  
August 22, 2019

**HASBANI & LIGHT, P.C.**

/s/ Seth D. Weinberg  
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